



ideas that work

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Attachment C
Twinbrook Metro Place
Planning Commission
1/25/2012

Exhibit A

January 24, 2012

VIA E-MAIL & FIRST CLASS MAIL

Mr. David Hill

Chair

Rockville Planning Commission

111 Maryland Avenue

Rockville, Maryland 20850

Re: Twinbrook Partners, LLC (Project Plan No. PJT2012-00002)

Dear Chairman Hill:

We represent Rockville Associates, Inc., the owner of a property located at 1500 Rockville Pike, just north of the subject application. The purpose of this letter is to offer our support for this application, with a clarification regarding the issue of extending Chapman Avenue through the subject property and northward through the Rockville Associates property.

As the Staff Report indicates, we and our clients have been involved in discussions over the past six months with respect to the alignment of Chapman Avenue when it is extended northward from its present terminus at Halpine Road. As reflected in our letter to the Planning Commission dated July 12, 2011, regarding the Rockville Pike Master Plan (attached to the Staff Report), Rockville Associates believes that a "mid-block" alignment is clearly preferable to an alignment along the railroad tracks. The Twinbrook Metro Place project reflects precisely such an alignment through the subject property. More recently, Rockville Associates participated in discussions with City Staff regarding the alignment both through Twinbrook Metro Place, and northward beyond the subject property. The Rockville Associates position is that the preferred alignment should be a straight continuation of the Twinbrook Metro Place alignment, northward through the four properties north of Twinbrook Metro Place including Rockville Associates. As reflected in the Staff Report, all of the referenced property owners supported a mid-block alignment, but there was some discussion about the precise alignment north of the Twinbrook Metro Place property, with alternates being considered as reflected in Attachment 7--5. The parties agreed that the precise alignment could be determined in the future, at the time those other properties redevelop, and that neither this Project Plan nor the Master Plan itself would have to locate the alignment for Chapman Avenue precisely with respect to the various property lines north of Twinbrook Metro Place. Rather, once more complete engineering is undertaken with respect to the other properties and any proposed redevelopment of them, the alignment can be engineered more precisely.

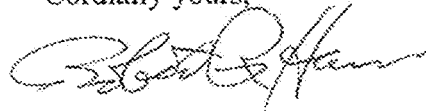
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Our concern is that Attachment 7-8, and the attachment to it, suggest that one specific alignment has been determined. We do not believe that to be the case and we want to make sure the record is clear that the agreement is for a mid-block connection along one of two possible alignments reflected in Attachment 7-5.

Secondly, the Staff Report recommends that Twinbrook Metro Place dedicate and construct Chapman Avenue through its intersection with Festival Street and that the right-of-way for Chapman Avenue north of that point, up to the northern property line of Twinbrook Metro Place, should be reserved for future dedication. We believe the more appropriate way in which to deal with this issue is to require Twinbrook Metro Place to dedicate the full right-of-way all the way to the northern property line. This will avoid any delays or complications in the future when the properties to the north of Twinbrook Metro Place want to proceed and want to complete the extension of Chapman Avenue northward. Ideally, we believe Twinbrook Metro Place also should construct the roadway to the northern property line so that no other parties are left with an obligation for building a road that is otherwise tied to the Twinbrook Metro Place project. Alternatively, if for some reason it cannot be built along with the other portion of Chapman Avenue on Twinbrook Metro Place, at least the dedication of the right-of-way and the posting of some financial security to ensure future construction is essential.

With these clarifications and changes, we support the subject application.

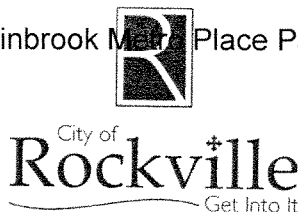
Cordially yours,



Robert R. Harris

cc: Jeremy Hurlbutt
Jim Wasilak
Bobby Ray
Craig Simoneau
David Levy
Robert Dalrymple, Esq.
Jef Fuller
Dorothy Sullivan
Betsy England
Penny England
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CORRECTED COPY
January 25, 2012

Attn: Mr. James Alexander
Twinbrook Partners, LLC
5425 Wisconsin Avenue, Suite 600
Chevy Chase, Maryland 20815

RE: 1592 Rockville Pike, Twinbrook Metroplace, Water and Sewer Authorization, PJT 2012-00002

Dear Mr. Alexander:

This letter supersedes the letter dated January 4, 2012. A conditional water and sewer authorization is being granted based on the Engineering Division of the Department of Public Works (DPW) review of Twinbrook Partners, LLC's (Applicant) request for the above referenced proposed development to connect to and utilize City water and sewer.

According to your application, the proposed development consists of the following uses:

- 162,000 sq. ft. office space
- 39,000 sq. ft. retail
- 14,000 sq. ft. restaurant
- 2,500 sq. ft. outdoor restaurant seating
- 36,000 sq. ft. health club
- 2,000 sq. ft. hotel assembly space
- 109,000 sq. ft. hotel in 190 rooms
- 772,000 sq. ft. residential in 811 units
- 1,136,500 sq. ft. total area

Development Application

Water – The Applicant is requesting service for the project by connecting to the existing water main at the intersection of Chapman and Halpine Avenues and extending the system through the limits of proposed Chapman Avenue extended. The buildings are proposed to connect to the extended main.

Sewer – The Applicant is requesting service for the project by connecting to and extending the system through the limits of proposed Chapman Avenue extended. Individual buildings are proposed to connect to the extended system

Mayor Phyllis Marcuccio | Councilmembers John F. Hall, Jr., Tom Moore, Bridget Donnell Newton, Mark Pierzchala
Acting City Manager Jennifer Kimball | Acting City Clerk Brenda Bean | City Attorney Debra Yerg Daniel

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Existing Conditions

Existing City water mains are located along the property frontage in Rockville Pike (MD Route 355) and Chapman and Halpine Avenues. Existing City sewer mains are located along the property frontage with Chapman and Halpine Avenues.

FINDINGS

The City Adequate Public Facilities Ordinance and Standards (APFO) require certain public infrastructure, including water and sewer, to be assessed for adequacy whenever a proposed development is being considered for approval. The Department of Public Works (DPW) findings are as follows:

Water

The City's water system has adequate water supply to meet the demand created by the proposed development and the required fire flow is available.

Sewer

The Blue Plains Treatment Plant has adequate treatment capacity for the proposed development. However, the City, through modeling of the sewer system, has determined that the existing Rock Creek sewerage transmission system **does not** have adequate capacity to serve the proposed development.

The model analyzed the adequacy of the system utilizing measured base flow plus anticipated flow from previously approved, but not yet constructed, development projects and compared it to the adequacy in the system once the flow from this development was added. Through the modeling, three areas were identified where there are deficiencies in the system's adequacy created by flow from this proposed development. Therefore, sewerage transmission mitigation measures are required as a condition of approval. Once constructed, the mitigating measures will ensure adequate transmission capacity for the demand generated by this project.

The Applicant cannot increase the demand on the system until the mitigating measures are constructed. The City's Site Plan approval and permitting processes will address the timing issues associated with the project's demand and the construction of the mitigating measures.

The City's sewerage transmission system is adequate subject to the Special Conditions listed below.

CONDITIONS OF APPROVAL

The following is a list of conditions, which must be addressed at the appropriate development stage as indicated below, for this project's water and sewer authorization.

Special Conditions

Off-Site Sewer Upgrades

As noted, DPW has determined that portions of the City's existing sewer system do not have adequate capacity to serve your proposed development. This occurs in three locations as shown on the enclosed plan entitled "Areas of Sewer Deficiencies, Twinbrook Metroplace."

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Therefore, the authorization to connect to and utilize the City's sewer system is dependent on mitigating the deficiencies in the following areas:

- Area of Sewer Deficiency A – Manholes R1061F4, R1062F4, R10613F4
- Area of Sewer Deficiency B – Manhole R1076F4
- Area of Sewer Deficiency C – Manholes R1085F4, R1086F4

The City recognizes that there are different methods that could be employed to mitigate the deficiencies. Based on the sewer system's dynamics, an upgrade in one of these areas of deficiency may result in a determination by the City that not all three areas require upgrades. However, it will be the Applicant's responsibility to identify and design specific upgrade measures, that comply with all City Code and requirements, to ensure adequate sewerage transmission capacity is provided for the proposed development.

Proposed mitigating measures must identify locations, required upgrades, pipe sizes, pipe slopes and limits of the impacts. The Applicant will be required to obtain approvals and permits and obtain easements, if required, as detailed below.

The mitigating measures must be constructed, accepted by DPW and placed into service prior to DPW allowing any connection to the sewer system.

On-site Sanitary Sewer Service Conditions

Required Sewer Main Sizes

All sewer mains are to be gravity and 8-inch in diameter unless otherwise approved during final engineering. Location of the sewer mains, manholes and appurtenances must be shown on the Site Plan, but will be approved and permitted with final engineering.

Ejector Pumps

Based on information provided on the proposed development plans, the City has determined that ejector pumps may be required in order to service some portions of the buildings. If that is the case, the Applicant must provide additional information regarding the need for ejector pumps at the Site Plan stage and additional conditions may be imposed at that time.

Extra Depth Sewer

It is not anticipated that the proposed project will require extra depth sewer; however, any sewer pipe deeper than 20 feet (trench bottom) will require a special design and easement limits that take future maintenance into consideration.

Service Dependent on Other Approved Developments

This project is not dependent on construction of improvements by other already approved, but not constructed, developments. However, please be advised that as a condition of approval for the Preliminary Development Plan (PDP) for Twinbrook Commons, that applicant received the following condition of approval, which has not yet been constructed:

"Design and construct an upgrade to the existing 10-inch sewer around the Twinbrook METRO Stations. The new sewer main shall be designed to minimize bends and maximize slope in the pipes. Pipe sizes and slope requirements shall be determined during detailed engineering phase. Public Utilities shall be designed using the most recent City of Rockville and WSSC standards and specifications. DPW shall review and approve these design plans."

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In addition, since a portion of the Twinbrook Commons project lies within the City, but within the Washington Suburban Sanitary Commission's (WSSC) District, WSSC has imposed the requirement for additional upgrades and realignments of their sewer in order to authorize service to the project. The WSSC contract associated with the required upgrades is Contract DA 4159. At this time, only a portion of the required upgrade has been constructed. This information is being provided for informational purposes to the Applicant.

Proposed Sewer Service Connections

The location, size and number of connections to the buildings must be in compliance with applicable sections of the Rockville City Code and must be approved and permitted by DPW.

Sewer Main Abandonment

The Applicant must investigate the potential presence of sewer house connection(s) connecting to the existing sewer main along the southern property line (former Halpine Avenue right-of-way). The investigation and the abandonment, if required, must be coordinated through and approved by DPW. If no connections are present, the Applicant must abandon the main for a limit and in a manner approved and permitted by DPW. If easements exist, the Applicant may be required to extinguish all or a portion of those easements. Please allow sufficient time because extinguishing easements that have been granted to the City require Mayor and Council action, which may take up to three months.

If sewer house connections are present, the Applicant must continue to provide service connections to the sewer main, including granting easements, if necessary.

On-Site Water Service Conditions

Required Water Main Sizes

The Chapman Avenue extended and "Festival Street" water mains are to be sized at 12-inch. The location of the water main and appurtenances must be shown on the Site Plan, but will be approved and permitted with final engineering.

Limits of Required Water Main Extensions

In order to provide redundancy to the City's water system and increased water flow and pressure, the Applicant will be required to construct water mains in the following locations:

- Chapman Avenue – Extend the proposed 12-inch water main past the intersection with "Festival Street" to the northern property line.
- "Festival Street" – Construct a 12-inch water main running from the constructed main in Chapman Avenue and connecting to the existing water main in Rockville Pike.

Location of the water extensions must be shown on the Site Plan, but will be approved and permitted with the final engineering.

Water Meters

The Applicant must install new water meters in a location acceptable to DPW, Inspection Services Division (ISD) and the Fire Marshal. Meter sizes will be determined by ISD. Meter locations, with associated easements if required, must be shown on the Site Plan, but will be approved and permitted with the final engineering.

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Proposed Water Service Connections

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If water house connections are present, the Applicant must continue to provide service connections to the main including granting easements, if necessary.

Pressure Reducing Valves

The need for Pressure Reducing Valves will be assessed and determined at the Site Plan stage.

Booster Pumps

The need for Booster Pumps will be assessed and determined at the Site Plan stage.

Fire Hydrants

The number and locations of fire hydrants will be determined by DPW and ISD at the Site Plan stage and approved and permitted by DPW in conjunction with the final engineering. Fire flow requirements per the Maryland State Fire Prevention Code, in affect at the time of building permit, must be met.

On-Site Easement Conditions

Easements that may be required for sewer and water main extensions, water meters and other appurtenances must be provided at no cost to the City.

Off Property Easement Conditions

The current Project Plan site plan does not indicate the need to obtain off property easements to construct the water and sewer for the proposed development. However, if easements are needed the Applicant must obtain them at no cost to the City. If easements are required to satisfy the sewer deficiency mitigation condition, the Applicant also must obtain them at no cost to the City.

Capital Contribution

The Applicant will be required to pay water and sewer Capital Contribution charges prior to obtaining a Building Permit. The charges, which are based on the domestic water meter size, must be paid to ISD in accordance with the fee schedule in place at the time of building permit issuance.

DPW Final Engineering and Permitting

The Applicant must submit associated fees and water and sewer construction documents and applications, including proposed connections to the buildings and off-site improvements, to DPW for review, approval and permitting at the final engineering stage. The Applicant must obtain permits from DPW, ISD and any other agency having jurisdiction. Phasing of the off-site improvements, if permitted by DPW, will be determined at the Site Plan stage. If phasing is requested, the Applicant

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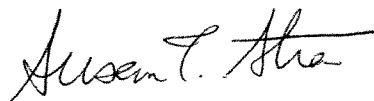
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may be required to submit information and pay a fee to the City for modeling of different development phasing.

Any substantial changes or revisions to the proposed development information, as shown on the plan received December 20, 2012, may require a modification, revision or deletion of these conditions.

If you have any questions, please contact Mary Fertig, Civil Engineer III, via e-mail at mfertig@rockvillemd.gov or via telephone at 240-314-8535.

Sincerely,



Susan T. Straus, PE
Chief of Engineering

STS/MMF/kmc

Enclosures:

1. Areas of Sewer Deficiencies, Twinbrook Metroplace, dated January 4, 2012.
2. Overall Project Plan, received December 20, 2012.

cc: C. Robert Dalrymple, Linowes and Blocher
Ines Vega, VIK A
Jagdish Mandavia, VIK A
Bobby Ray, Principal Planner
Jeremy Hurlbutt, Planner II
Matt Shanks, Fire Marshal
Mark Wessel, Engineering Supervisor
Mary Fertig, Civil Engineer III
Permit plan
Water and sewer authorization file
Day file

